

**Announcement of Meeting**

The Committee's first meeting will be April 5 from 1:00 to 5:00 p.m. e.s.t. and April 6, 9:00 a.m. to 4:00 p.m. The meeting will be held in the U.S. Department of Agriculture's South Building, Conference Room 1333, between 12th and 14th Streets on Independence Avenue, SW., Washington, DC 20250. The agenda will include (a) orientation, (b) brief scientific review and discussion related to the guidelines, and (c) formulation of plans for future work of the Committee.

**Public Participation at Meeting**

The meeting is open to the public; however, space is limited. Written comments from the public will be accepted, but oral comments at the meeting will not be permitted.

**Written Comment**

By this notice, the Committee is soliciting submission of written comments, views, information, and data pertinent to review of the Dietary Guidelines for Americans. Comments should be sent to Betty B. Peterkin, Human Nutrition Information Service, Federal Building, Room 338, 6505 Belcrest Road, Hyattsville, Maryland 20782, by 5:00 p.m. e.s.t. on June 16, 1989.

Done at Washington, DC, this 13th of March, 1989.

James T. Heimbach,

Acting Administrator, Human Nutrition Information Service, U.S. Department of Agriculture.

J. Michael McGinnis,

Deputy Assistant Secretary for Health, Office of Disease Prevention and Health Promotion, U.S. Department of Health and Human Services.

[FR Doc. 89-7221 Filed 3-24-89; 8:45 am]

BILLING CODE 3410-48-M

**DEPARTMENT OF COMMERCE****Bureau of Export Administration****Export Privileges, Actions Affecting; Wai Man Chung****Order**

In the Matter of Wai Man Chung, #6 Carlton, Irvine, California 92714, Respondent.

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), having determined to initiate an administrative proceeding against Wai Man Chung (Chung) pursuant to section 13(c) of the Export Administration Act of 1979 (50 U.S.C. app. 2401-2420 (1982 and Supp. III 1985), as amended by Pub. L. 100-418, 102 Stat.

1107 (August 23, 1988)) (the Act), and Part 788 of the Export Administration Regulations (15 CFR Parts 768-799) (the Regulations),<sup>1</sup> alleging that, from on or about July 14, 1983 to an unspecified date in March 1984, Chung violated §§ 787.3(b) and 787.6 of the Regulations by conspiring with Lily Monica Wan, James Ng, Louis Tin-Yee Luk, Jonas Suet-Fai Leung and others, to export U.S.-origin computer equipment from the United States to Hong Kong without first obtaining from the Department the validated export licenses required by § 722.1 of the Regulations and by exporting U.S.-origin Aydin computer circuit boards from the United States to Hong Kong without first obtaining from the Department the validated export license required by § 772.1 of the Regulations; and

The Department and Chung having entered into a Consent Agreement whereby the parties have agreed to settle this matter by Chung's being denied all United States export privileges for a period ending five years from the date of this Order, the last three years of which shall be suspended and thereafter waived subject to the conditions set forth below; and

The terms of the Consent Agreement having been approved by me:

*It is therefore ordered,*

First, that Wai Man Chung, #6 Carlton, Irvine, California 92714, for a period ending five years from the date of this Order, is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving the export of U.S.-origin commodities or technical data from the United States or abroad.

A. All outstanding individual validated export licenses in which Chung appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Chung's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

B. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include, but is not limited to, participation: (i) As

a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

C. After notice and opportunity for comment, such denial may be made applicable to any person, firm, corporation, or business organization with which Chung is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services (hereinafter related person).

D. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with Chung or any related person, or whereby Chung or any related person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any U.S.-origin commodity or technical data exported in whole or in part, or to be exported by, to, or for Chung or any related person denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the

<sup>1</sup> Effective October 1, 1988, the Export Administration Regulations were redesignated as 15 CFR Parts 768-799 (53 FR 37751, September 28, 1988). The transfer merely changed the first number of each Part from "3" to "7". Until such time as the Code of Federal Regulations is republished, the Regulations may be found in 15 CFR Parts 368-399 (1988).



United States. These prohibitions apply only to those commodities and technical data which are subject to the Act and the Regulations.

E. As authorized by § 788.16(c) of the Regulations, the last three years of the denial period set forth above is suspended for a period beginning two years from the date of this Order. The three-year suspension period will thereafter be waived, provided that, during the period of suspension Chung has committed no violation of the Act or any regulation, order or license issued under the Act.

Second, that the proposed Charging Letter, the Consent Agreement and this Order shall be made available to the public. A copy of this Order shall be served upon Chung and published in the Federal Register.

This constitutes the final agency action in this matter.

Entered this 15th day of March, 1989.

William Skidmore,

Assistant Secretary for Export Enforcement.

[FR Doc. 89-7194 Filed 3-24-89; 8:45 am]

BILLING CODE 3510-DT-M

#### International Trade Administration

[A-583-803]

#### Antidumping Duty Order; Light-Walled Welded Rectangular Carbon Steel Tubing From Taiwan

**AGENCY:** Import Administration, International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** In separate investigations concerning light-walled welded rectangular carbon steel tubing (LWRT) from Taiwan, the U.S. Department of Commerce (the Department) and the U.S. International Trade Commission (the ITC) have determined that LWRT from Taiwan is being sold at less than fair value and that imports of LWRT from Taiwan are materially injuring or threatening material injury to an industry in the United States. Therefore, based on these findings, importers will be liable for possible antidumping duties on all LWRT from Taiwan entered, or withdrawn from warehouse, for consumption on or after November 21, 1988, the date on which the Department published its preliminary determination notice in the Federal Register. We have directed the U.S. Customs Service to collect a cash deposit of estimated antidumping duties on all imports of LWRT from Taiwan that are entered, or withdrawn from warehouse, for consumption on or after the date of

publication of this antidumping duty order in the Federal Register.

**EFFECTIVE DATE:** March 27, 1989.

**FOR FURTHER INFORMATION CONTACT:** Contact Barbara Williams or Kathleen McNamara, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: 202/377-0405 (Williams) or 202/377-3434 (McNamara).

**SUPPLEMENTARY INFORMATION:** The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted from the *Tariff Schedules of the United States, Annotated* (TSUSA) to the *Harmonized Tariff Schedule* (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption, on or after that date is now classified solely according to the appropriate HTS number(s). As with the TSUSA numbers, the HTS numbers are provided for convenience and Customs purposes. The written product description remains dispositive.

The products covered by this investigation are light-walled welded carbon steel pipes and tubes of rectangular (including square) cross-section, having a wall thickness of less than 0.156 inch, which are currently provided for under HTS item number 7306.5000.

In accordance with section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act), on January 30, 1989, the Department made its final determination that LWRT from Taiwan is being sold at less than fair value (54 FR 5532—February 3, 1989). On March 20, 1989, in accordance with section 735(d) of the Act, the ITC notified the Department that imports of the subject merchandise from Taiwan are materially injuring or threatening material injury to an industry in the United States.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department is directing U.S. Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value exceeds United States price on all entries of LWRT from Taiwan. These antidumping duties will be assessed on

all unliquidated entries of LWRT from Taiwan that are entered, or withdrawn from warehouse, for consumption on or after November 21, 1988, the date on which the Department published its preliminary determination notice in the Federal Register.

On or after the date of publication of this notice, U.S. Customs officers must require, at the same time as importers would deposit normal Customs duties on LWRT from Taiwan, a cash deposit equal to the estimated weighted-average dumping duty margins noted below:

[In percent]		Margin
Manufacturer/producer/exporter:		
Ornatube Enterprise.....	5.51	
Vulcan Industrial Corp.....	40.97	
Yieh Hsing Industries, Ltd.....	40.97	
All other manufacturers/producers/exporters.....	29.15	

This notice constitutes an antidumping duty order with respect to LWRT from Taiwan, pursuant to sections 735(d) and 736(a) of the Act (19 U.S.C. 1673d(d) and 1673e(a)) and § 353.48 of the Commerce Regulations (19 CFR 353.38). We have deleted from the Commerce Regulations Annex I of 19 CFR Part 353, which listed antidumping duty findings and orders currently in effect. Instead, interested parties may contact the Central Records Unit, room B-099, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with sections 735(d) and 736(a) of the Act (19 U.S.C. 1673d(d) and 1673e(a)) and 19 CFR 353.48.

Jan W. Mares,

Assistant Secretary for Import Administration.

[FR Doc. 89-7355 Filed 3-24-89; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-057]

#### Replacement Parts for Self-Propelled Bituminous Paving Equipment From Canada; Final Results of Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration, Commerce.

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On October 11, 1988, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty finding



on replacement parts for self-propelled bituminous paving equipment from Canada. The review covers two producers and/or exporters of this merchandise to the United States and the period September 1, 1986 through August 31, 1987.

We gave interested parties an opportunity to comment on the preliminary results. We received comments from the petitioner and one respondent. Based on our analysis of the comments received and correction of clerical errors, we have changed the margins from those presented in the preliminary results.

**EFFECTIVE DATE:** March 27, 1989.

**FOR FURTHER INFORMATION CONTACT:** Arthur N. DuBois or Phyllis Derrick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-8312/2923.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 11, 1988, the Department of Commerce ("the Department") published in the *Federal Register* (53 FR 39630) the preliminary results of its administrative review of the antidumping duty finding on replacement parts for self-propelled bituminous paving equipment from Canada (42 FR 41811, September 7, 1977). The Department has now completed the administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Tariff Act").

**Scope of Review**

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule ("HTS"), as provided for in section 1201 et. seq. of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by this review are shipments of replacement parts for self-propelled bituminous paving equipment, excluding attachments and parts for attachments from Canada. During the review period, such merchandise was classifiable under items 652.1540, 652.1825, 652.3530, 678.5097, 680.2500, 680.3300, 685.9026, 685.9500, 686.8040, 688.1800, 712.4900, and 773.2500 of the Tariff Schedules of the United States Annotated. This merchandise is

currently classifiable under HTS items 4016.93.10, 7315.11.00, 7315.89.50, 7315.90.00, 8336.50.00, 8479.99.00, 8481.20.00, 8482.10.10, 8483.90.90, 8539.29.20, 8544.20.00, 8544.41.00, 8544.51.80, 8544.60.20, 9015.30.40. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers two exporters of this merchandise to the United States, Fortress Allatt Ltd. ("Fortress") and General Construction Co. Inc. ("General"), and the period September 1, 1986 through August 31, 1987.

**Analysis of Comments Received**

We invited interested parties to comment on the preliminary results. We received written comments from the petitioner, Blaw Knox, and from one respondent Fortress Allatt Ltd. ("Fortress"). We also received rebuttal comments from Fortress.

*Comment 1:* Blaw Knox alleges that the Department failed to deduct all duties from the U.S. price because of a clerical error in which the lowest duty rate of three possible rates was always deducted.

*Department's Position:* We agree and have recalculated the results accordingly.

*Comment 2:* The petitioner asserts that Fortress's pre-sale warehousing costs on its exporter's sale price (ESP) sales to the United States should be treated as direct expenses as in the decision of the Court of International Trade in *Asahi Chemical Industry Co. Ltd. v. U.S.*, (Slip Op 88-100, July 25, 1988) because they bear a direct relationship to the sales under consideration.

Fortress, in rebuttal comments, argues that ITA is acting within its authority in treating pre-sale warehousing as an indirect expense on ESP sales as it has consistently done since 1979.

*Department's Position:* We agree with Fortress. There is no evidence on the record of a direct relationship between pre-sale warehouse expenses and the specific sales under review. Therefore, we have treated Fortress's pre-sale warehouse expenses as direct expenses.

*Comment 3:* The petitioners alleges that the Department erred by presuming full pass-through of taxes not collected by reason of exportation of the merchandise to the United States on sales to end users. No tax was due on sales to distributors in Canada or on exports to the United States, but only on sales to end-users in Canada. Petitioner cites Fortress's response which states that no discounts are granted to end-users in either country, while discounts of 5 to 25 percent are granted on sales to

distributors and argues that the 12.1 percent Canadian Federal Sales Tax is not always fully passed through to end users in Canada, in light of the difference in prices between sales to Canadian distributors and Canadian end-users.

Fortress, in rebuttal, claims that there is no relationship between the amount of the sales tax and the amount of the discount granted to distributors.

*Department's Position:* We disagree with the petitioner. The Department interprets the language of section 772(d)(1)(C) of the Act to allow for the addition of the full tax amount to the U.S. price when there is no indication that a manufacturer did not add the tax to the home market price. The statute does not require a measurement of the incidence of consumption taxes not collected by reason of exportation to the United States, and there is no evidence in the record to indicate that Fortress did not add the entire amount of the tax to home market price. For a more detailed discussion of Commerce's interpretation of section 772(d)(1)(C), see the Department's brief, dated April 25, 1988, in *Zenith Electronic Corp. et al. v. United States*, CAFC Appeal Nos. 88-1259 and 88-1260.

*Comment 4:* The petitioner believes that Fortress's claimed warranty expenses should be rejected because the amount of warranty in Canada was much greater than the amount in the United States and that in the absence of verification, the warranty costs reported are clearly suspect and must be rejected. Blaw Knox argues that a far more reasonable assumption is that warranty costs in the two markets are approximately equal.

Fortress, in rebuttal comments, notes that reported the actual amounts of warranty expenses and would welcome a verification of them.

*Department's Position:* We found no basis to reject respondent's warranty claim.

*Comment 5:* The petitioner alleges that the Department erred by making an inland freight adjustment for Fortress's home market sales since the terms are f.o.b. Downsview. On ESP transactions to the United States, petitioner questions the Department's adjustment to the price for freight to the customer, because terms of the sale are f.o.b. Fortress' warehouse.

In rebuttal comments Fortress states that it occasionally agrees to pay freight in the home market even though the terms of sale are f.o.b. Downsview and that this was verified in a prior review. In previous reviews, the Department permitted the total freight costs in the



home market to be allocated over all sales because the large number of sales made it impractical to allocate the freight costs to sales of individual parts, so this approach is not unreasonable in this review.

Fortress also notes that Blaw Knox is confused about the freight cost incurred on ESP sales. Those sales are f.o.b. U.S. warehouse so Fortress absorbs the freight costs of shipping to those warehouses, not to the customer as stated by Blaw Knox.

**Department's Position:** We have continued to adjust both home market and ESP prices for inland freight as this expense is incurred by Fortress in bringing the merchandise to the customer. We find the respondent's methodology in allocating these expenses to appropriate sales reasonable.

**Comment 6:** In the disclosure example, the petitioner notes that the constructed value derived as a starting foreign market value differs from the constructed value used in the Department's margin calculations.

Fortress in rebuttal comments notes that the constructed value shown in the example was before adjustments. The Department made adjustments, where applicable, to all foreign market values for discounts, warranty expense, credit expense, and commissions to unrelated parties. When making comparisons with ESP sales the Department deducted indirect selling expenses to offset the deduction of selling expenses on U.S. sales. When these adjustments are taken into account, there is no discrepancy.

**Department's Position:** Fortress is correct. The foreign market value disclosed as a starting foreign market value was before adjustments, whereas the constructed value used in the margin calculation was after the appropriate adjustments had been made.

**Comment 7:** Fortress notes that the Department should exclude from the final results any sales of parts for Fortress Allatt machines or attachments, pursuant to its request that such parts be excluded from the scope of the finding.

**Department's Position:** We agree in part. The Department ruled on January 19, 1989 that replacement parts for Fortress machines are subject to the finding but that replacement parts for attachments are not subject to the finding.

**Comment 8:** Fortress contends that the Department calculated credit expense differently for sales to the United States than it did for home market sales. For U.S. sales, the Department calculated the expense by multiplying the credit factor (average number of days times

average short term interest rate) times the "starting price" less discount, if any, while the home market credit expense was calculated by multiplying the credit factor times starting price less discount, if any, and less freight, warranty and commission. Fortress notes that the Department should calculate the credit expense on the same basis in both markets.

**Department's Position:** We agree and have recalculated the credit expense using the starting price less discount only for both markets.

**Comment 9:** Fortress contends that a portion of the freight cost on ESP sales from the California and Georgia warehouses was double-counted. The total freight cost from Downsview (not Buffalo) to California or Georgia was deducted as well as a factor for the freight from Downsview to Buffalo, in effect double-counting the Downsview Buffalo portion. Because the parts are shipped directly from Downsview for these sales, the Department should not make an additional deduction for freight from Downsview to Buffalo.

**Department's Position:** We agree and have recalculated the results accordingly.

#### Final Results of the Review

As a result of the comments received and correction of clerical errors, we have revised our preliminary results for Fortress Allatt Ltd. and General Construction Co. Inc., and we determine that the following weighted-average margins exist for the period September 1, 1986 through August 31, 1987:

Manufacturer/Exporter	Margin (per cent)
Fortress Allatt Ltd. ....	1.31
General Construction.....	1.31

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required for these firms.

For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after August 31, 1987 and who is unrelated to any reviewed firm, or any

previously reviewed firm, a cash deposit of 1.31 percent shall be required. These deposit requirements are effective for all shipments of Canadian replacement parts for self-propelled paving equipment entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Jan W. Mares,  
Assistant Secretary for Import Administration.

Date: March 20, 1989.

[FR Doc. 89-7213 Filed 3-24-89; 8:45 am]

BILLING CODE 3510-D5-M

#### Subcommittee on Export Administration of the President's Export Council; Partially Closed Meeting; Correction

**ACTION:** Correction notice, change in meeting time.

The notice published March 17, 1989 (54 FR 11259) incorrectly stated that time the closed executive session would begin. The executive session will begin at 1:30 p.m. and continue until 3:00 p.m. The open session will be held from 9:00 until 11:45 a.m.

Date: March 21, 1989.

Michael E. Zacharia,  
Assistant Secretary for Export Administration.

[FR Doc. 89-7205 Filed 3-24-89; 8:45 am]

BILLING CODE 3510-DT-M

#### Short-Supply Review on Certain Hot-Dipped Tinplate; Request for Comments

**AGENCY:** Import Administration/ International Trade Administration, Commerce.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of Commerce hereby announces its review of a request for a short-supply determination under Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products, with respect to various sizes of hot-dipped tinplate used in the manufacture of concentrated lemon juice cans.

**DATE:** Comments must be submitted no later than April 6, 1989.

**ADDRESS:** Send all comments to Nicholas C. Tolerico, Director, Office of